

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM H. BARBER,

Plaintiff,

v.

Case No. 06-CV-10740-DT

ALLSTATE INSURANCE COMPANY,

Defendants.

**ORDER STAYING AND ADMINISTRATIVELY CLOSING CASE
AND SCHEDULING A STATUS CONFERENCE**

On August 14, 2006, Defendant Allstate Insurance Company filed a "Motion for Dismissal Pursuant to FRCP 41(b) or in the Alternative, Motion to Stay Trial Court Proceedings," on which the court conducted a hearing on September 19, 2006. During the hearing, the court and the parties agreed that Defendant's August 14, 2006 motion operated as the first official notification of Plaintiff's death, and therefore began the 90-day period by which substitution may be sought pursuant to Federal Rule of Civil Procedure 25(a). Thus, it was further agreed that all proceedings in this case should be stayed until the 90-day period is completed. For the reasons stated more fully on the record,

IT IS ORDERED that all proceedings in this matter are STAYED until November 13, 2006.¹ IT IS FURTHER ORDERED that the clerk of the court is DIRECTED to administratively close this matter for statistical purposes only. Nothing in this order shall

¹Thus, no responses shall be filed to the pending motion to intervene and motion to dismiss.

amend or affect the statements made by the court during the September 19, 2006 hearing, nor shall it affect the rights of either party.² The court will automatically lift the stay and re-open the case upon the filing of a stipulation or motion for substitution pursuant to Rule 25, however, either party may move the court to lift the stay and re-open this case at any time. In the event that no stipulation or motion to substitute pursuant to Rule 25 is filed by November 13, 2006, this matter shall be dismissed and all pending motions will be terminated as moot.

Finally, IT IS ORDERED that the court will conduct a status conference on November 7, 2006 at 2:00 p.m.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 25, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 25, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

²Thus, this order shall not operate to trigger any applicable statute of limitation, which will not begin to run again until this matter is dismissed.